

Message Text

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PAGE 01 BERN 01119 191717 Z

47

ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 AGR-20 CEA-02 CIAE-00 COME-00

DODE-00 FRB-02 H-02 INR-09 INT-08 L-03 LAB-06 NSAE-00

NSC-10 PA-03 RSC-01 AID-20 CIEP-02 SS-14 STR-08

TAR-02 TRSE-00 USIA-12 PRS-01 SAL-01 OMB-01 RSR-01

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R 191700 Z MAR 73

FM AMEMBASSY BERN

TO SECSTATE WASHDC 7430

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E. O. 11652: N/A

TAGS: ETRD, GATT, SZ

SUBJ: GATT ARTICLE NINETEEN

REF: (A) STATE 027520; (B) BERN 0733

1. PURSUANT TO REFTEL (B) EMBOFF DISCUSSED SWISS VIEW OF ARTICLE 19 OF THE GATT WITH SWISS PERMANENT REPRESENTATIVE TO THE GATT, ARTHUR DUNKEL, WHO STATED THAT SWISS DIVISION OF COMMERCE AS MATTER OF POLICY IS EXTREMELY CIRCUMSPECT AS REGARDS INVOCATION OF GATT ARTICLE 19. SWISS HAVE NEVER INVOKED ARTICLE 19 AND HAVE CONSISTENTLY DISCOURAGED ATTEMPTS BY SWISS INDUSTRY TO INITIATE ARTICLE 19 PROCEDURE. SPEAKING CONFIDENTIALLY, DUNKEL COMMENTED THAT DIVISION OF COMMERCE HAD RECENTLY BEEN APPROACHED BY BROWN BOVERI AND CO. IN CONNECTION WITH GATT ARTICLE 19. DUNKEL DID NOT PROVIDE DETAILS OF BBC' S INITIATIVE, BUT COMMENTED THAT DIVISION OF COMMERCE OFFICIALS WERE ABLE TO PERSUADE BBC TO DROP THE MATTER.

2. LACKING ANY ACTUAL EXPERIENCE AS REGARDS PROCEDURES, DUNKEL HYPOTHESIZED ALONG FOLLOWING LINES: COMPLAINT WOULD FIRST BE VOICED IN THE PARTICULAR INJURED INDUSTRY WHICH WOULD COORDINATE
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PAGE 02 BERN 01119 191717 Z

WITH THE INDUSTRIAL ASSOCIATION INVOLVED (SUCH AS CHEMICAL ASSOCIATION). NEXT STEP WOULD BE APPROACH TO VORORT WITH CLAIMS OF DAMAGES. IF VORORT CONSIDERED CLAIM TO BE JUSTIFIED, AN APPROACH WOULD BE MADE TO DIVISION OF COMMERCE. IF DIVISION OF COMMERCE CONSIDERED CLAIM JUSTIFIED, IT WOULD ARRANGE FOR CONSULTATIONS WITH ALL AFFECTED PARTIES -- PRODUCERS, EXPORTERS, AND IMPORTERS. NATURE OF ENTIRE PROCEDURE INCLUDING CONSULTATION WOULD BE TYPICALLY SWISS -- CONFIDENTIAL, PRIVATE HEARINGS. THERE WOULD BE NO OPEN OR PUBLIC HEARING S.

3. FOREGOING IS ADMITTEDLY BASED ON CONJECTURE, BUT NEVERTHELESS REPRESENTS PROBABLE PROCEDURE SWISS WOULD TAKE IN ARTICLE 19 CASE. DAVIS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

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